

APPROVED: MEETING NO. 20-85

ATTEST: 

MAYOR AND COUNCIL

ROCKVILLE, MARYLAND

MEETING NO. 15-85

March 11, 1985

The Mayor and Council of Rockville, Maryland, convened in general session on Monday, March 11, 1985, at 8:00 p.m. in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland.

PRESENT

Mayor Viola D. Hovsepian

Councilman Steve Abrams

Councilman Douglas Duncan

Councilman Peter Hartogensis

Councilman John Tyner, II

The Mayor in the Chair.

In attendance: City Manager Larry Blick, City Clerk Helen Heneghan, City Attorney Paul Glasgow.

Re: City Manager's Report

Mr. Blick reported the following:

1. Police Officer Vic Grasso, who was the coordinator of the Neighborhood Watch Programs resigned effective March 7 to go to work with a private investigation agency.
2. The No-Turn on Red Sign at North Washington and West Montgomery Avenue will be replaced with a larger sign since the existing one is too small.
3. There has been a problem with the street trees on North Washington Street between Jefferson and Beall Avenue. They are Willow Oaks and the contractor has been able to comply by locating new trees of the Willow Oak variety for those that have died. He has been directed to replace the trees with a new type that resembles the American Elm.

4. There is a public hearing scheduled on March 13 at 11:00 a.m. in the House Office Building for MC 535 which is the F. Scott Fitzgerald Theatre Bill. Delegate Forehand has asked to have MC 535, the Peerless Rockville Bill withdrawn with no delegates objecting. It will be withdrawn by Wednesday, March 30.

5. Rusty Wallace of the Community Resources Department introduced the student government representatives who will be observing the operation of the City for the next two weeks prior to making their recommendations to the Council on the 25th. The Mayor and Council welcomed their counterparts from the three Rockville high schools.

Mayor Hovsepian asked if the City Manager could present a timetable to the Council at the next meeting on the comprehensive traffic study for Rockville.

Re: Appointments

Mayor Hovsepian made the following appointments. They were confirmed by the Council:

Sister City Task Force: Brigitta Mullican - 1-year term as Chairman

Dee Loge-Mazat - 2 year term as member  
2002 Baltimore Road, B-32

Dennis Drizek - 2 year term as member  
2403 Glenmore Terrace

Public Education Advisory Commission: Nicholas Nichols - 2 year term  
1389 Kimblewick Road

Ruth Litzenberger - 2 year term  
1010 Kennon Court

Re: Proclamation: Drug  
Awareness Month -  
March

Proclamation No. 2-85

There being no objection from the Council, Mayor Hovsepian proceeded to issue Proclamation No. 2-85, proclaiming March as Drug Awareness Month. Councilman Duncan read the Proclamation at the request of the Mayor in which it

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was urged that all citizens become more aware of the dangers involved in drug abuse and also announced the opening of a poster contest. Eric Stansbury of the Youth Services Division, accepted the proclamation on behalf of the City and Juan Ayala of Rockville High School, Heather Stewart of Wootton High School and Roger Foote from Richard Montgomery High School, accepted proclamations on behalf of their respective schools.

Re: Citizen's Forum

Mayor Hovsepien opened the meeting to those citizens who wished to address the Mayor and Council.

1. Patrick Woodward, President of the West End Citizens Association, 111 North Van Buren Street. Mr. Woodward told the Council that the No Turn on Red Sign on North Washington at West Montgomery Avenue is too small to be seen and should be replaced with a larger sign. He noted that there are other intersections that are difficult to cross safely and the City should look into federal funds that are available for walk lights. He added that there are dead trees that need to be replaced on South Washington Street and he would like to hear what schedule has been proposed by the City since he would not like to see this situation continue for an indefinite period of time. The City Manager said the City's letter to the contractor asked that they be replaced by April 1. The City cannot guarantee this but will do its best. Councilman Tyner said he would like to know the calibre of the trees and Councilman Hartogensis asked to know the variety of and whether they are diseased-resistant.

2. Carole Cohen, President of the Twinbrook Citizens Association. Ms. Cohen publicly thanked the Mayor and Council for the swift action it took helping the Twinbrook Citizens Association with the problems that exist at Holladay/Tyler. She added that a letter went out last week concerning testing that will take place and the Mayor and Council has time to alert the State to

what is important to that neighborhood. On April 18, the State will meet with the Twinbrook Citizens Association to discuss Holladay/Tyler's plan for compliance.

3. Dennis Cain, 503 Carr Avenue. Mr. Cain addressed the methods the Mayor and Council used to arrive at the decision to lower the floor area ratio in the C-2 Zone and suggested that there was a problem with the make up of the committee since there was not enough citizen representation. He would assume that the committee was overloaded with the same business people who were to be regulated and it resulted in effect in making changes to suit their business more than the larger views of the citizens of Rockville. Mayor Hovsepien noted that during the next year, when the Plan is being developed for the Pike, the Mayor and Council has specifically requested that more people be added to the group representing citizens at large since the Pike traffic affects all citizens of Rockville.

There being no other citizen wishing to address the Mayor and Council, the Mayor closed the citizen's forum portion of the meeting.

Re: Public Hearing: To  
establish a Permit  
Parking District on  
Woodland Road

The Mayor and Council conducted a public hearing on a request to establish a permit parking district on Woodland Road and heard those persons as will be found in the official stenographic transcript of the hearing. There being no other citizen wishing to be heard the Mayor declared the hearing closed and the record to be held open for two weeks.

Re: Public Hearing: Annexation Petition, X-95-84, Mayor and Council, Applicant, requesting the annexation of a 5.25 acre parcel of land located at the intersection of Research Boulevard and Gude Drive and placement in the I-3, Industrial Zone

The Mayor and Council conducted a public hearing on a request to annex 5.25 acres of land located at the intersection of Research Boulevard and Gude Drive and placement in the I-3 Industrial Zone, and heard those persons as will be found in the official stenographic transcript of the hearing. There being no other person wishing to be heard, the Mayor declared the hearing closed with the record to be held open for two weeks.

Re: Public Hearing: Proposed Ordinance that would cause school designation to be included in the contract for sale of residential property

The Mayor and Council conducted a public hearing on a proposed ordinance that would cause school designation to be included in the contract for sale of residential property, and heard those persons as will be found in the official stenographic transcript of the hearing. There being no other person wishing to be heard, the Mayor declared the hearing closed with the record to be held open for two weeks.

Re: Decision and Instructions to staff re: Text Amendment Application, T-68-85, Mayor and Council of Rockville, Applicant, to lower the Floor Area Ratio of building to land in the C-2 zone from the present 3.0 to 2.0

On motion of Councilman Duncan, duly seconded and unanimously passed, the

Council instructed the staff to prepare the necessary legal documentation to grant Text Amendment Application, T-68-85, incorporating the suggestions of the Planning Commission that the City develop a comprehensive plan for the corridor as soon as possible, that the uses be carefully evaluated as part of the plan and 3) and an optional method of development be investigated so that in the event that a lower density is ultimately recommended due to unforeseen conditions, development may continue in an orderly and imaginative manner.

Councilman Tyner said that some of these conditions might not necessarily need to be in the ordinance but the Mayor and Council's intention should be spelled out clearly. Councilman Abrams shared Councilman Tyner's feelings and said that agreed, although, these conditions would not necessarily be included, the message should be sent out that the job should be done systematically to attain the correct result. The Council feels this is an appropriate adjustment for right now. Councilman Tyner agreed and said another F.A.R. figure could be used in the future.

Re: Decision on Block Grant  
Loan for the Rehabilitation  
of the Lenmore  
Apartments

A public hearing on a proposal for the City to participate in the financing of the rehabilitation of the Lenmore Apartments was held by the Mayor and Council on Monday, March 4, 1985. Funds provided by the City are proposed to be utilized in conjunction with other loans provided through the State of Maryland, the Housing Opportunities Commission, and the Montgomery County Government.

A key part of the rehabilitation proposal is the use of the Section 8 Rental Assistance Program to prevent tenant displacement and to provide a guaranteed cash flow to the project.

Those funding sources of the approximate \$1,549,600 to refinance and rehabilitate the Lenmore Apartments are as follows:

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H.O.C. issued notes	\$621,600
Maryland Housing Rehabilitation Program	481,000
Montgomery County Rental Rehabilitation Program	120,000
County Weatherization Program	27,000
Developer equity	200,000
City loan	<u>100,000</u>
Total	\$1,549,600

Councilman Hartogensis noted he had decided to vote in favor of this project for reasons that the benefits outweigh the risks, and it is an appropriate vehicle to provide affordable housing at minimal cost to the City. Councilman Duncan agreed with Councilman Hartogensis' statements.

On motion of Councilman Duncan, duly seconded and unanimously passed, the Mayor and Council approved the proposal and suggested that the staff incorporate the suggestions in their memo into the proposal. Council particularly asked that the staff investigate the use of Montgomery County Public School Trade Students to be used on the project.

Re: Adoption of Ordinance: To amendment Chapter 15 of the Laws of Rockville entitled "Ethics Provisions" by repealing and re-enacting with amendments those sections that make it substantially similar to the Maryland Public Ethics Laws, and provide further disclosure requirements, increase the scope and application of conflicts of interest provisions and make certain technical modifications.

#### Ordinance 8-85

Councilman Abrams moved, duly seconded to adopt the ordinance.

Councilman Hartogensis moved that the ordinance be amended by adding a section to Section 2-103 to read:

"In addition, any member of the Mayor and Council may abstain from voting on and participating in any discussion in any matter on his own initiative for reasons that he has a financial or pecuniary interest in the matter, and in the event that financial or pecuniary interest arises from legally confidential or proprietary business information, he shall not be required to disclose such legally confidential or proprietary business information."

Councilman Abrams seconded the motion. The Council discussed this amendment at length. After discussion, Councilman Hartogensis agreed to withdraw his amendment and the seconder agreed. Councilman Duncan moved, duly seconded, to amend the ordinance to include the wording: "may abstain him or herself". The amendment passed unanimously.

Councilman Duncan noted that this ordinance is a good first step and it is stronger than what the City had previously. Councilman Abrams agreed that the City with this ordinance has taken several steps forward.

Mayor Hovsepien said that a good deal of time last summer was spent on the employment situation of an elected official. At that time the Mayor and Council agreed a stronger Ethics Ordinance was needed. However, she cannot support this ordinance because she feels the same situation could develop as last year. Councilman Hartogensis noted that the ordinance should not be an overkill and provide rules so tight that it is impossible to attract good people to serve on the City's Board and Commissions. Councilman Abrams said he hoped the Mayor would support the Charter Amendment since it is the public's right to participate in the process. Mayor Hovsepien said she would support that but she felt the time and effort that must be expended to initiate a recall were too extensive. Councilman Tyner said he did not see a problem last summer. The elected official in question acted in accordance with the law at that time and the situation was allowed to



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deteriorate. He feels what is before the Council tonight is the best ordinance possible given the voice of the people. He said at a later time he would question the definition of wholeness or integrity that the Mayor has noted in order for persons to serve on the Mayor and Council or on Boards and Commissions. He said it seems necessary at times for the Mayor and Council to react as they feel in their hearts.

The motion to adopt Ordinance No. 8-85 as amended was approved by the Council, all but Mayor Hovsepien voting aye. The full text of the ordinance can be found in Ordinance Book No. 12 of the Mayor and Council.

Re: Adoption of Resolution:  
Pursuant to Article XI-E  
of the Constitution of  
Maryland, and the Charter  
of the City of Rockville,  
as amended to renumber  
Section 6 of Article III  
of the Charter of the City  
of Rockville as Section 7,  
the same being contained  
in Section 72-13 of the  
Montgomery County Code,  
and to add a new Section 6  
to Article III of the  
Charter, so as to provide  
for recall elections and  
the recall of the Mayor or  
a Councilmember

Resolution No. 8-85

On motion of Councilman Abrams, duly seconded and unanimously passed, the resolution was amended to reflect the change in the method of voting.

On motion of Councilman Hartogensis, duly seconded and unanimously passed, Resolution No. 8-85, the full text of which can be found in Resolution Book No. 8 of the Mayor and Council amending the Charter of the City was adopted by the Mayor and Council.

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Re: Award of Contract: Police  
Radio Console

This request for proposal was issued to replace the ten-year old radio console used by the Police Department to dispatch police officers, animal wardens and Public Works crews on after hours or emergency calls. The console has been in continuous service and, within the past two years, was increasingly costly to repair. Costs were up because of the frequency of breakdowns as well as the scarcity of spare parts. Some parts are no longer made and had to be fabricated by the repairs contractor.

Two proposals were received by the deadline of 5:00 p.m., Monday, January 15, 1985. The RFP required a description of the console each vendor offered to show how city-requested equipment would be organized as well as information to show its compatibility with the radio, telephone, and computer systems used in the city and suppliers capacities to provide parts and warranty service. The proposals received were from:

Motorola Communications & Electronics, Inc.	\$49,311.00
General Electric Company	\$30,412.50

Evaluation of the proposals was done by Police Department staff supported by members of the Federal Laboratory consortium familiar with the terminology and needs of our operations. It was determined that each proposal met the requirements set forth in the RFP and each vendor is well qualified to install and maintain the equipment under warranty. However, based on price and established budget, General Electric Option II with equipment is recommended for award. The award is \$4,587.50 below budget.

On motion of Councilman Duncan, duly seconded and unanimously passed, Bid No. 30-85, for a radio console was awarded to the General Electric Company in the amount of \$30,412.50.

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Re: Approval of Minutes

On motion of Councilman Tyner, duly seconded and unanimously passed, the Minutes of Meeting No. 7-85, February 21, 1985, were approved as written.

Re: Correspondence

1. B. A. Turner, re Special Collection
2. Anthony R. Bullard, re Richard Montgomery High School
3. MML, re doorprize for convention

The Mayor and Council asked that the City Clerk handle this.

4. Tom Reilly, Chairman of Senior Citizens Commission
5. Division of Social Security, re audit
6. Richard & Ruth Meyer, re Rockville Pike Advisory Committee

Re: Information Items

1. Letter from Twinbrook Elementary School to State re Holladay/Tyler
2. Memo from Board of Elections re Election Day Voter Registration

Councilman Tyner thanked the Board and noted that Chairman Covey is present this evening and noted that good points have been brought forward. Councilman Duncan disagreed and said the Mayor and Council had agreed to go ahead with Election Day registration at all the polling places and he saw no reason to change this. The Board was simply asked to work out the details. Councilman Tyner disagreed and said the Mayor and Council had asked for a report from the Board and the Board has recommended against it as has Montgomery County. Councilman Duncan said he spoke to the representatives of Montgomery County today and they would prefer the City adopting County registration rolls. Councilman Abrams shared Councilman Duncan's view and asked that the whole registration process be made as easy as possible. Chairman Covey spoke and explained the problems that would be involved, not only monetarily but the danger of fraud if this process is adopted. Councilman Duncan disagreed and asked that the Mayor and Council vote to approve it. And if necessary, place it on an agenda.

It was brought to the Mayor and Council's attention that HB444 calling for universal registration would declare the question moot.

On motion of Councilman Duncan, duly seconded and passed, Mayor Hovsepian and Councilmembers Duncan and Abrams voting aye, Councilmembers Hartogensis and Tyner voting nay, staff was instructed to implement election day registration at all polling places unless HB444 passes.

3. Senior Center Newsletter
4. Letter complimenting City employees
5. Memo from City Attorney re Advisory Referenda

Mayor Hovsepian asked that this be placed under new business.

6. Memo from City Manager re Effect of Federal Budget cuts

Councilman Abrams commended the City for not being in a position where a cut in federal revenues hurts the City's financial picture.

Re: New Business

1. Mayor Hovsepian brought to the Council's attention a memo from the City Attorney on the advisory referendum questions that appeared on last year's ballot. Councilman Hartogensis said he had a problem with doing nothing since people had voted in favor of several of the questions. He felt at least a public hearing should be held. Councilman Abrams agreed. The City Attorney was instructed to prepare Charter Amendments for those questions that received a favorable vote.

2. Councilman Abrams asked the City Manager to bring a report back to the Council on the maintenance of Gude Drive. The City Manager said repairs are needed between Rt. 355 and Piccard Drive. The contractor is responsible for repairs and the City has retained the funds if the contractor doesn't do his job. Councilman Abrams suggested that unusually heavy vehicles must be using Gude Drive as a short cut.

3. Councilman Abrams requested the Council to urge the District of Columbia to enact a law raising the drinking age to twenty-one. This should be done through the Council of Governments. The Mayor and Council agreed this could be brought forward to the Council of Governments at their Board meeting on Wednesday.

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4. Councilman Tyner said he would be attending the hearing on the Fitzgerald Theatre in Annapolis, this week and he hopes staff members will be attending also.

5. Councilman Tyner provided the Mayor and Council with a copy of a letter from Norma Duffin to Rosco Nix of the NAACP.

6. Mayor Hovsepian asked if the Council would agree to allow the members of the Sister City Task Force to attend the Annual meeting of Sister Cities International in Baltimore. The Council agreed to this.

7. Mayor Hovsepian suggested that April be declared as Citizen Association Month. The Council agreed to this.

Re: Executive Session

On motion of Councilman Abrams duly seconded and unanimously passed, the meeting was closed for executive session to discuss land disposition.

There being no further business to come before the Council in executive session the meeting was adjourned at 10:50 p.m. to convene again in work session on Friday, March 22, 1985, at 7:00 a.m. or at the call of the Mayor.